IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7130 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHAVESH MANSUKHBHAI BABARIA

Versus

DISTRICT EDUCATION OFFICER

Appearance:

1. Special Civil Application No. 7130 of 2003

MR RC SEJPAL for Petitioner No. 1

..... for Respondent No. 1-2

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 04/06/2003

ORAL JUDGEMENT

Heard Mr. RC Sejpal, ld. advocate appearing for the petitioner, Mr. Nagesh Sood, learned AGP appearing for respondent No.1, and Ms. Mamta Vyas, ld. advocate appearing for respondent No.2. The petitioner has prayed for a direction to the respondents to issue correct

School Leaving Certificate containing the date of birth as 04-09-1984, instead of 01-06-1984 at the earliest and to quash and set aside the impugned order dated 29.4.2003 passed by the respondent No.1.

2. At the time of hearing of the petition, my attention is drawn to the order passed by this Court on 5.10.1999 in Special Civil Application No. 7009 of 1999, a copy of which is annexed along with the petition as Annexure G. Mr. Sejpal has submitted that the issue involved in the present petition is the same as that in the earlier petition. My attention is also invited to Para 3 of the said decision, wherein it is observed by this Court that powers are not vested in the School to correct the birth date. Since the facts are identical, the detailed reasons are not given. Mr. Sood, learned AGP for the respondent No.1 as well as Ms. Mamta Vyas, ld. advocate for respondent No.2 also submitted that the facts of the present petition are similar to that of above Special Civil Application No. 7009 of 1999 and also covers the controversy involved in the present matter.

3. After having heard the learned advocates for the respective parties, the respondents are directed to correct the petitioner's date of birth and to show the same as "04-09-1984" instead of 1-6-1984 in all the relevant records maintained by the respondents.

4. In view of the fact that the respondent authorities are not responsible for the mistake committed in the school record, the petitioner would be required to be saddled with the costs of this petition which are quantified at Rs.1000 to be paid to each of respondents No. 1 and 2. The petition is accordingly disposed of. Rule is made absolute to the above extent. Direct service is permitted.

rmr. [K.A. Puj, J.]